

REMARKS

Applicants respectfully request reconsideration and withdrawal of the outstanding Office Action rejections in view of the foregoing amendments and following remarks.

Claim 1 has been amended to recite “an isolated salt” to further distinguish the claim over Lee (USP 6,093,814). Support for this amendment can be found at Examples 1-4 of the present specification (see pages 9-12). Furthermore, claims 1, 2 and 12-16 have been amended to place the claims in better condition and to satisfy the requirements of 35 U.S.C. § 112. Claim 17 has been cancelled and new claim 18 has been added. Support for new claim 18 can be found in the present specification at Examples 1-4 of the present specification (see pages 9-12). No new matter has been added.

Claims 1, 3, 4 and 8 stand rejected under 35 U.S.C. § 103(a) for reasons stated on pages 2 and 3 of the outstanding Office Action. Applicants respectfully submit that present claim 1 is now distinguished over Lee. The Examiner points out at page 2 of the outstanding Office Action, in Example 4 of Lee, the material that exists just prior to adding the toluene sulfonic acid is a solution of the tributyl ammonium salt of tritylated cefdinir. Present claim 1 now recites “an isolated salt” of cefdinir. Examples 1-4 of the present specification teach that compounds, i.e. salts, of the present invention are isolated from solution. Furthermore, the present specification discloses that methods which produce cefdinir without isolation of the intermediates have drawbacks in that the final product is poor and requires further purification. Applicant submits that since Lee

fails to teach or suggest the isolation of the base salt from solution, one of skill in the art would not have been motivated by the disclosure of Lee to isolate, from solution, the base salt. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 1-15 and 17 stand rejected under 35 U.S.C. § 112, first and/or second paragraphs, for reasons stated on pages 3-8 of the outstanding Office Action.

Regarding the rejection of claims 1, 3, 5-10 and 12 as being indefinite for the term “acyl,” Applicants respectfully submit that the amendment to present claim 1, wherein the limitation “C₁-C₆ acyl group optionally substituted with one or more chlorine or fluorine atoms” has been removed and replaced with the limitation “formyl,” now renders this rejection moot. Applicants submit that claims 1, 3, 5-10 and 12 now satisfy the requirements of 35 U.S.C. § 112.

Regarding claims 1-15 and 17, the term “solvates” has been removed from each of claims 1, 13 and 15. Moreover, claim 17 has been cancelled. Applicants submit that claims 1-15 now satisfy the requirements of 35 U.S.C. § 112.

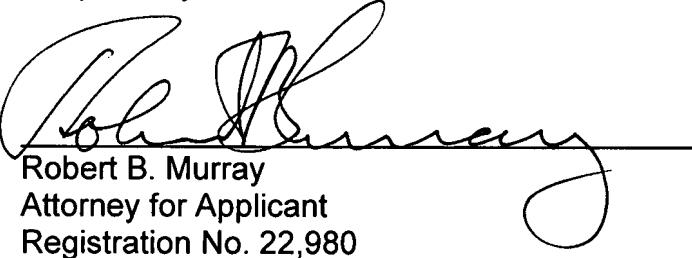
Further regarding claim 12, Applicants submit that present claim 12 now recites “a method of synthesizing a salt of cefdinir” and satisfies the requirements of 35 U.S.C. § 112.

Further regarding claim 13, Applicants submit that the definition of an adduct according to the present invention is now incorporated, by amendment, into claim 13. The definition of an adduct according to the present invention is the same as defined in

claims 1 and 15. Applicants submit that present claim 13 now satisfies the requirements of 35 U.S.C. § 112.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is now in condition for allowance, except for the issue Applicants requested held in abeyance. Early and favorable action is awaited.

Respectfully submitted,

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